

<p>COURT & CLERK RECORDS:</p> <p>ACCESS & MAINTENANCE</p> <p>Public Access to Paternity Case Information</p>	<p>CONTACT:</p> <p>Mike Commons michael.commonsoncourts.IN.gov Direct: 317-233-1579 30 S. Meridian St., Suite 500 Indianapolis, IN 46204 Main: 317-232-2542 Fax: 317-233-6586</p>
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From July 1, 1941 through June 30, 2014 all records in paternity cases were confidential under various provisions of the Indiana Code as well as Administrative Rule 9. I.C. 31-39-1-1 and 31-39-1-2 were amended, effective July 1, 2014, and provide that records in proceedings that pertain to paternity issues of custody, parenting time and child support concerning a child born to parents who are not married to each other are excluded from the general confidentiality provisions related to juvenile courts.

Since all records contained in a paternity action had previously been confidential, these cases were exempt from the “green paper” rule contained in Administrative Rule 9. Case records filed before July 1, 2014 may contain information that remains confidential under Administrative Rule 9 and other state and federal laws.

In order to address the potential disclosure of confidential information, the Indiana Supreme Court amended Admin. R. 9, on September 2, 2014. Under this amendment, Admin. R. 9(G) provides that juvenile paternity records created prior to July 1, 2014, remain confidential and not accessible to the public in their entirety. However, Admin. R. 9(B)(2)(e) allows prospective attorneys, and their agents, in such cases to have access to the confidential records upon the filing of an *Assurance of Confidentiality* by the attorney.

Summary of the changes from S.E.A 19 and the Supreme Court Order

Effective January 1, 2015

The changes resulting from both the statutory and Admin. R. 9 amendments mean that:

- 1) All records (case files, CCS entries and RJO) filed before July 1, 2014 shall remain confidential.
- 2) Lawyers appearing in a confidential case and the parties to the case have always had a right to view and obtain copies of their confidential JP case records. That right remains in effect.

- 3) Under Admin. R. 9(B)(2)(e), prospective lawyers and their agents can receive information about these confidential records after the attorney files the *Assurance of Confidentiality*. A sample form can be obtained from the Indiana Supreme Court's, Rules of Court, Administrative Rules website at "Administrative Rule 9. Access to Court Records," under *Prospective Attorney's Assurance of Confidentiality for Juvenile Paternity Cases*.
- 4) Records (case file, CCS entries and orders) filed in JP cases on or after July 1, 2014 are no longer confidential just because they are filed in JP cases. This means that the case caption and other CCS and case file information are open to the public and court orders should go in the general, non-confidential RJO.
- 5) Records filed in JP cases on or after July 1, 2014 that contain otherwise confidential information, such as full social security numbers, medical tests, and other matters listed as confidential in Administrative Rule 9 and state and federal laws must be filed in accordance with Admin. R. 9(G)(5), including the "green paper requirements" found in Admin. R. 9(G)(5)(b). Court orders must also comply with the "green paper requirements" as required by T.R. 58(C). Records filed on green paper are not accessible to the public.
- 6) Hybrid JP cases – paper records:
 - a. JP cases that (i) were opened and closed prior to July 1, 2014 but are re-docketed after July 1, 2014 or (ii) were filed prior to July 1, 2014 and remain open on July 1, 2014 are "hybrid cases," and the CCS and case file in these cases must be split so that the pre-July 1, 2014 information remains confidential and the post-July 1, 2014 information is public.
 - b. Best practices: Clerks/courts can:
 - create a second file (as one does when a case file gets too large) and mark the pre-July 1, 2014 file as confidential, perhaps with a green sheet on top;
 - place the pre-July 1, 2014 filings in an envelope clearly marked denoting the contents as confidential; or
 - otherwise separate the pre-July 1, 2014 records with clear designation as to what is public and what is confidential and
 - only allow public disclosure of the non-confidential portions of the records.
- 7) Hybrid JP cases and electronic records
 - a. Courts are not required to put the July 1, 2014 JP cases on the Internet but must make them available in the clerk's office as they do any other public case record.
 - b. Courts that use Odyssey will be able to post the JP CCS on the Internet on "MY CASE."

- i. In “hybrid cases,” Odyssey courts will need to open a duplicate, public CCS on July 1, 2014 with an event entry indicating that prior events are confidential and available in the clerk’s office to authorized persons. The Odyssey help desk will provide further information and answer questions.
 - ii. Odyssey courts will treat the JP case records filed after July 1, 2014 just as they do any other public case type.
- c. Non-Odyssey courts that have already received approval under T.R. 77(K) to put their non-confidential CCS’s on the Internet can post the JP CCS entries made on or after July 1, 2014. However, they are not required to post JP CCS entries on the Internet or make them available on the Internet or through third party systems.

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